CLASSIFICATION OFFICE DECISION

Title of publication:	AK-15-8451_007.jpg
Other known title(s):	Not stated
OFLC ref:	1600121.006
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Commissioner of Police
Classification:	Objectionable except if the availability of the publication is restricted to the person(s) depicted in the photo.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	11 May 2016
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	11 May 2016

Summary of reasons for decision:

The publication was submitted as part of a larger batch of images, which appear to be the work of commercially successful photographer, David Hamilton, of prominence in the 1970s and 1980s (this image was likely produced at that time). It is a photographic slide that has been digitised and submitted for classification as a computer image file. The content of the slide is a desaturated, softly lit colour photo of a naked sleeping girl.

The image exploits the nudity of a child or young person. It has been contrived specifically for the heterosexual male gaze. The subject appears to have been chosen because she is on the cusp of womanhood symbolising her induction to the domain of sexual objectification. The image is likely to be read as exploitative in this context where female bodies are regularly eroticised, sexualised and otherwise objectified.

Without more information as to the intended use of the photographic slide, the Classification Office must consider the potential injury to the public good flowing from the wider availability of this image, such as online distribution. The availability of commercially produced eroticised

images of adolescent girls' nudity designed to appeal to the male gaze, such as this, encourages the notion that young persons are sexually available and legitimate objects of adult sexual desire, perpetuating the sexual exploitation of young and vulnerable members of society. If young girls are exposed to this imagery and recognise themselves as objects of adult sexual desire, it may legitimise sexual attitudes and behaviours they are yet to fully understand, negatively impacting on their healthy development, socialisation and welfare. The premature sexualisation of young girls, and fashioning them as objects of adult sexual attraction and desire is a concern in New Zealand society.

It is therefore likely that the availability of the publication is likely to be injurious to the public good. Restricting the availability of the publication to the subject of the photo will have the same effect as an objectionable classification, without criminalising the subject herself should she be in possession of it. This classification limits the right to freedom of expression in a demonstrably justifiable way as intended by Parliament.